

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**TERRY ALEXANDER TUCKER**

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**GJH-19-0555**

**EMERGENCY MOTION FOR RECONSIDERATION OF BOND**

The Defendant, Terry Tucker, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and John Chamble, Assistant Federal Public Defender, respectfully moves this Honorable Court, to set conditions of release in this case. In support of this motion, counsel states as follows:

1. On November 25, 2019, Mr. Tucker came before Magistrate Judge Charles B. Day for a detention hearing on a non-violent drug related offense. At the detention hearing, the Court concluded Mr. Tucker had failed to show by clear and convincing evidence that his release was warranted. *See* ECF No. 10 (Detention Order). Mr. Tucker has compromise health conditions that put him at grave risk due to the current COVID-19 emergency. Mr. Tucker specifically suffers from a respiratory condition (severe asthma), high blood pressure and high cholesterol. All of Mr. Tucker's ailments put him in the high risk category and enhanced vulnerability to complications from COVID-19 infection.
2. Counsel is aware that there have been at least four confirm cases of detainees testing positive at the CTF/DC Jail for COVID-19. Mr. Tucker is detained at CTF. This deadly virus and the multiple positive testing at the detention facility Mr. Tucker is housed is a material development that constitute change circumstances for the purpose of this motion.

3. Medical care at CTF/ DC Jail at the best of times is limited. The current limitations at Mr. Tuckers' detention facility to provide adequate measures in keeping inmates safe from this deadly virus is a force multiplier in presenting a high risk to Mr. Tuckers' compromised health. Specifically, the DC Jail have not provided inmates with adequate sanitation supplies, advice on personal hygiene or distancing.
4. As the Court is well aware, the nation is in the midst of responding to an unprecedented national health emergency due to COVID-19, a dangerous illness that is spreading rapidly throughout the world and, of particular salience to the instant motion, throughout Maryland and the District of Columbia. As of March 17, 2020, the new strain of coronavirus which causes COVID-19, has infected over 182,100 people, leading to at least 7305 deaths worldwide.<sup>1</sup> On March 11, 2020, the World Health Organization officially classified COVID-19 as a pandemic.<sup>2</sup> President Trump declared a national emergency due to COVID-19 on March 13, 2020.<sup>3</sup> Well prior to the national declaration, Maryland Governor Larry Hogan declared a State of Emergency in Maryland due to COVID-19 on March 5, 2020.<sup>4</sup> As of the morning of March 17, 2020, there were forty-one confirmed cases of COVID-19 in the state of Maryland, fifty-

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<sup>1</sup> *Coronavirus Map: Tracking the Spread of the Outbreak*, The New York Times (March 12, 2020), at <https://nyti.ms/2U4kmud> (updating regularly).

<sup>2</sup> *WHO Characterizes COVID-19 as a Pandemic*, World Health Organization (March 11, 2020) at <https://bit.ly/2W8dwpS>.

<sup>3</sup> *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, Donald Trump, March 13, 2020, available at <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

<sup>4</sup> *Declaration of State of Emergency and Existence of Catastrophic Health Emergency-COVID-19*, by Governor Hogan, March 5, 2020, available at <https://governor.maryland.gov/wp-content/uploads/2020/03/Proclamation-COVID-19.pdf>

two in Virginia, and twenty-three in Washington, DC, for a regional total of 116 confirmed cases.<sup>5</sup> These numbers are growing on a daily basis.

5. The situation facing the Court and Mr. Turner has dramatically changed since the time of his initial detention and calls for a compassionate and revise response from the Court. There are circumstances where the importance of consequences for allege violations of a non-violent drug offense must give way to larger and more fundamental concerns about what justice requires.<sup>6</sup> This is one of those times. This pandemic is a changed circumstance which warrants Mr. Tucker's immediate release. Mr. Tucker is a non-violent drug offender with no history of violence. He is not a danger if release under current circumstances.

WHEREFORE, Mr. Tucker requests that the Court set conditions of release, or for any other relief that the Court deems just and proper given the extraordinary circumstances of this case and this time.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender for the District of Maryland

/s/

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<sup>5</sup> *D.C., Md., restaurants and bars ordered shut down as regions cases exceed 100*, Washington Post, March 17, 2020, available at <https://www.washingtonpost.com/dc-md-va/2020/03/17/coronavirus-dc-maryland-virginia-updates/> (continuously updating).

<sup>6</sup> *But see United States v. Goodwyn*, 596 F.3d 233 (4th Cir. 2010).